

City of Selah
Council Minutes
June 12, 2018

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Raymond called the meeting to order at 4:00pm.

B. Roll Call

Members Present: John Tierney; Roger Bell; Russell Carlson; Diane Underwood; Jeremie Dufault; Jacquie Matson; Rachael Glaspie

Members Absent:

Staff Present: Donald Wayman, City Administrator; Robert Noe, City Attorney; Dale Novobielski, Clerk/Treasurer; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Rick Hayes, Police Chief; Joe Henne, Public Works Director; Ty Jones, Public Works Utility Supervisor; Treesa Morales, Recreation Manager; Bree Tait, Civic Center Manager; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse **None**

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Pastor Mark Griesse gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/ Presentations

1. Community Pride Award – Barb Petrea

Mayor Raymond asked Barb Petrea to come forward, saying that she wished to present her with a Community Pride Award from the City. She read aloud from the certificate and thanked Ms. Petrea for her efforts on behalf of the City of Selah and its residents.

H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

Mayor Raymond opened the meeting. Seeing no one rise to speak, she closed the meeting.

2. Written

- a. Monthly Code Enforcement Report for May 2018

J. Proclamations/Announcements

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Claims and Payroll:

Payroll Checks Nos. 81690 – 81728 for a total of \$291,763.77

Claim Checks Nos. 71350 – 71442 for a total of \$260,773.84

Council Member Tierney moved, and Council Member Bell seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.

L. Public Hearings **None**

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

1. Resolution Supporting the Selah Park and Service Area's (SPRSA) New Modified Pool Design

City Administrator Wayman addressed N – 1. He said that this resolution was in support of the new modified pool design from the SPRSA, and that the new plan complies with the requirements the City has laid down, including the geographical boundaries. He recommended approval of the design.

Council Member Underwood moved, and Council Member Carlson seconded, to approve the Resolution Supporting the Selah Park and Service Area's (SPRSA) New Modified Pool Design. Roll was called: Council Member Tierney – yes; Council Member Bell – yes; Council Member

Carlson – yes; Council Member Underwood – yes; Council Member Dufault – yes; Council Member Glaspie – yes; Council Member Matson – yes. By voice vote, approval was unanimous.

2. Resolution Authorizing the Mayor to Sign a Better Utilizing Investments to Leverage Development (BUILD) Application for a Selah Transportation Congestion Relief Analysis

Public Works Director Henne addressed N – 2. He said that there is an application process through the Federal government called BUILD, which is due to open any day with a closing date of July 20, with a focus this year on rural areas and planning applications. He commented that they have been discussing the idea of a traffic circle versus a traffic light at the south end of town as well as extending east Naches Avenue to I-82, and that this would be an application for planning in the amount of one hundred fifty to two hundred thousand dollars, with a twenty percent match of thirty to forty thousand if they are selected. He noted that they would be obligated to start by December of 2019 on the project with a completion date of 2025, and that it would give them a year to talk with legislators and see if they can't get some money for a study application.

Council Member Matson asked if the funds he was requesting would go towards the match amount.

Public Works Director Henne replied in the negative. He said that this would help determine the amount of truck traffic coming in the north end of town as well as from the south, have a traffic model done on how a light or a traffic circle would impact traffic coming through it, and also generate potential numbers of trucks and personal vehicles who would use the East Naches Avenue extension.

Council Member Dufault wondered exactly what the twenty-two thousand dollars was for.

Public Works Director Henne answered that it is just to put the application together, as the Federal government likes lots of paperwork and data on why they should select you. He added that he isn't guaranteeing anything, as he has never done one of these before, but the notice they put out said that they would be emphasizing rural planning development for alleviating traffic congestion in rural cities.

City Administrator Wayman remarked that, when they spoke to Curtis King, this was the procedure he advocated they take to get serious consideration in Olympia.

Council Member Bell observed that this isn't establishing any of the three as a project, just analyzing them all.

Public Works Director Henne responded that it would analyze the two proposals for south First Street to see which would best suit, and analyze the potential benefit of extending East Naches Avenue over the river to I-82 for most of the truck traffic to use.

Council Member Dufault asked, if they would be doing a full study give them that information, and the City is applying for money to do the study, who receives the twenty-two thousand dollars.

Public Works Director Henne replied that there are a couple of visionary outfits out there, although he would probably want to work with HLA and a sub-consultant to bring in transportation experts.

Council Member Dufault asked if they provided the dollar amount or if he came up with the number.

Public Works Director Henne answered that they came up with twenty to twenty-four thousand and he split the difference for the request.

Council Member Carlson wondered if there was a possibility they could recoup the money spent.

Public Works Director Henne responded that they could with the match, but not this.

Council Member Carlson asked for confirmation that the match would be thirty to forty thousand dollars.

Public Works Director Henne replied in the affirmative.

Council Member Dufault asked if they could use the application in the future if they aren't successful this time.

Public Works Director Henne responded that he has never done one, but he thinks they should be able to utilize some of it.

Council Member Tierney commented that traffic counts change.

Public Works Director Henne agreed that they would need to update traffic counts, and that the application is likely extensive.

Council Member Tierney pointed out how much their traffic counts have changed in the last decade.

Public Works Director Henne noted that the OFM population is a little over seven thousand eight hundred now, and that it's not just within the city that it has increased but also within the county.

Council Member Tierney said that, if he understands the process correctly, they spend twenty-two thousand in the hope of getting one hundred fifty thousand and have the State bless us with a match, and once things are done they are dealing with Federal dollars not State monies.

Public Works Director Henne replied that it passes through the State and that after they did the study they would take that and reapply for thirty to forty million for the project.

Council Member Tierney remarked that they need to decide first whether to do traffic lights or a traffic circle.

Public Works Director Henne agreed, adding that he would apply for one of those first.

Council Member Tierney moved, and Council Member Bell seconded, to approve the Resolution Authorizing the Mayor to Sign a Better Utilizing Investments to Leverage Development (BUILD) Application for a Selah Transportation Congestion Relief Analysis. Roll was called: Council

Member Tierney – yes; Council Member Bell – yes; Council Member Carlson – yes; Council Member Underwood – yes; Council Member Dufault – yes; Council Member Glaspie – yes; Council Member Matson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance Amending Selah Municipal Code Section 5.06.020, Dogs in City Parks or Playgrounds Permitted

Public Works Director Henne addressed O – 1. He said that they have been talking about putting up a sign at Volunteer Park regarding dogs, but neither it nor McGonagle are included in the Ordinance. He added that in one section of the code it says dogs aren't permitted in parks, while in another they are, and this is restructured a bit to say that dogs are allowed not permitted in areas with playgrounds or play structures.

Council Member Underwood remarked that Volunteer Park was created for children and some may have dogs. She thought they should allow Seeing Eye dogs.

Public Works Director Henne responded that he doesn't think they can prohibit service dogs.

Council Member Underwood was okay with that.

Public Works Director Henne commented that they just don't want them tied up in the playground area, as some children are hypersensitive.

Council Member Glaspie wondered who would be enforcing that.

City Administrator Wayman answered that it would be Animal Control Officer Chris Knox.

Council Member Glaspie asked if it was simply a fine.

Public Works Director Henne replied that there is a fine of fifty or seventy-five dollars.

Council Member Tierney inquired if they had provisions to place signage regarding the changes.

Public Works Director Henne answered in the affirmative, saying that they would put up signs.

Council Member Tierney moved, and Council Member Carlson seconded, to approve the Ordinance Amending Selah Municipal Code Section 5.06.020, Dogs in City Parks or Playgrounds Permitted. Roll was called: Council Member Tierney – yes; Council Member Bell – yes; Council Member Carlson – yes; Council Member Underwood – yes; Council Member Dufault – yes; Council Member Glaspie – yes; Council Member Matson – yes. By voice vote, approval was unanimous.

2. Ordinance Amending Selah Municipal Code Section 6.46.020 to Remove from the List of Infractions Possessing or Allowing a Dog in a Selah City Park

Public Works Director Henne addressed O – 2. He stated that this removes item number one on the next page and adjusts the numbers.

Council Member Bell moved, and Council Member Underwood seconded, to approve the Ordinance Amending Selah Municipal Code Section 6.46.020 to Remove from the List of Infractions Possessing or Allowing a Dog in a Selah City Park. Roll was called: Council Member Tierney – yes; Council Member Bell – yes; Council Member Carlson – yes; Council Member Underwood – yes; Council Member Dufault – yes; Council Member Glaspie – yes; Council Member Matson – yes. By voice vote, approval was unanimous.

3. Ordinance Amending Selah Municipal Code Section 6.46.010, Closing Hours for Parks and Pool

Public Works Director Henne addressed O – 3. He said that this one is regarding park hours, and he would like to add McGonagle and Volunteer Parks to be closed from dusk to six am, with Carlon Park alone to close at eleven-thirty pm.

Council Member Tierney moved, and Council Member Bell seconded, to approve the Ordinance Amending Selah Municipal Code Section 6.46.010, Closing Hours for Parks and Pool. Roll was called: Council Member Tierney – yes; Council Member Bell – yes; Council Member Carlson – yes; Council Member Underwood – yes; Council Member Dufault – yes; Council Member Glaspie – yes; Council Member Matson – yes. By voice vote, approval was unanimous.

4. Ordinance Amending the 2018 Budget for the Expenditure of Lodging Taxes

Clerk/Treasurer Novobielski addressed O – 4. He said that he was asked to prepare a budget adjustment based on a recent LTAC meeting, where the Recreation Department approached them about utilizing lodging tax monies for offsetting expenses for two events. He noted that the paper he was provided with indicated two thousand dollars but Council Member Tierney has additional information on that.

Council Member Tierney stated that the total amount should be three thousand dollars.

Clerk/Treasurer Novobielski suggested doing a pen and ink adjustment to three thousand, which would leave the ending balance at one thousand less than shown. He added that the lodging tax is coming in strong and he believes that is one of the reasons LTAC was willing to approve these expenditures.

Council Member Carlson asked why the need for additional funds.

Clerk/Treasurer Novobielski responded that it was a miscommunication.

Council Member Tierney noted that the funds for the Huskies clinic would only be used if they come to Selah and if not than there wouldn't be an expenditure for that.

Council Member Bell commented that it says the funds go to lodging in Selah.

Civic Center Manager Tait said that the senior computer class would meet from 1-2pm tomorrow, there would be a blood drive held on Thursday, and this weekend would be the Turkey Federation fundraiser.

Public Works Director Henne said that they are doing general maintenance, as well as reviewing plans and issuing building permits. He noted that Community Development Supervisor Peters has been doing plat reviews and meeting with the School District's architect.

Human Resources Manager Potter announced that James Morrison would be retiring at the end of this pay period and he has been working with him to make that transition. He went on to say that he received twenty-four applications for the position, which have been reviewed and narrowed down to five applicants who would be interviewed two weeks from today. He noted that he has some materials on the bargaining agreement to discuss with Council during the Executive Session, and ended by saying that he would like to increase the pool manager's salary by one dollar an hour per a verbal agreement given if she returned for this season, and if Council came to consensus on the matter he would bring an Ordinance to the next meeting to do the increase retroactively.

City Administrator Wayman remarked that the previous Recreation Manager promised her she would get the increase if she came back, and he would like to mediate that as soon as possible in the interest of fairness to the employee.

Council Member Tierney wondered if a dollar was sufficient given that she hadn't had an increase in four years.

Human Resources Manager Potter responded that it may not have been four years since her last increase, but minimum wage has gone up substantially in the same time frame without her seeing an increase.

City Administrator Wayman commented that there would be no issue if Council chose to be more generous, and that the higher amount will fit within the season's budget. He added that she is an excellent supervisor and he is in favor of granting her a two dollar an hour raise.

Council Member Tierney stated that he was fine with two dollars.

Council Member Carlson commented that it was hard to give a consensus without having all the details, and that he would prefer more information.

Human Resources Manager Potter responded that she works longer than the actual season, putting in hours during interviews and training as well as paperwork after the pool is closed, and that a dollar an hour increase would have a six hundred dollar impact.

Recreation Manager Morales praised the pool manager for her excellent work leading and training people at the pool, adding that they have a number of returning lifeguards due to her. She apologized for the oversight on the banquet amount, which should have been up to two thousand dollars, although they came in under the original fifteen hundred dollar request. She handed out some information regarding pool regulations, a copy of which are attached as part of these minutes, and read aloud the sections she has recommended that the City follow. She expressed concern over kids as young as six or seven years

old being dropped off with no adult present, saying that this is something they want to enforce this year to keep kids safe. She commented that they would be enforcing the protocol for temperatures on fields and would reschedule a double header game to protect the youngest children playing if they reached one hundred degrees or more. She finished by saying that both the Hot Rods on First Street and Fourth of July events are well underway, and they have over fifty cars pre-registered.

City Administrator Wayman asked if any Council Members had seen the ad, saying that they are working hard to get people out for this event.

Council Member Tierney remarked that he distributed flyers at Cle Elum and Moxee, and had some friends do the same at Joseph last week.

City Administrator Wayman requested that they talk outside the meeting about judges for the cars and the barbecue contest.

Council Member Carlson read aloud from section nine, subsection C, subparagraphs one and two and wondered if it was saying that if a child is twelve years or younger they need to have one person with them but if they are thirteen to seventeen they need two.

Recreation Manager Morales explained that what they are telling people and encouraging is that between the ages of thirteen and seventeen they need to have a buddy or friend who doesn't have to be an adult, while the younger ages need to have an adult present.

Clerk/Treasurer Novobielski said that he completed the 2017 annual financial report for the Washington State Auditor's office at the end of May, and in about three months anticipated a contact for their annual audit. He noted that the May financials have been uploaded to the City's website.

City Attorney Noe had no report.

2. Council Members

Council Member Dufault expressed his appreciation for the efforts to alleviate traffic congestion but offered some friendly suggestions for negotiations with HLA in the future, such as changing their fee structure depending on whether or not the City is successful with their application and finding out if the materials they provide are broad enough to encompass similar applications, or could for a little more money. He reiterated his thanks for the work done, as he feels this is an important project for the community and is excited to see it taking a step forward.

Council Member Matson had a request for the finance committee to have a mid-year meeting.

Clerk/Treasurer Novobielski responded that he doesn't have one currently scheduled but agreed it was a great idea. He proposed contacting the finance committee about having one in mid-July.

Council Member Glaspie stated that there would be an SPRSA meeting at 5:30pm on Monday June 18 at the Civic Center, with an open public meeting at 6:30pm following the regular business meeting.

Council Member Tierney said that he had nothing further regarding the LTAC Board, although he had a couple things he would like to ask the administration or Council to consider. He remarked that, during his years on the Council, they've had clergy from the community coming in and offering a prayer, and he felt that they really need to have some recognition from the Council, to let them know they appreciate them coming forward and doing that. He asked if they had any place in City parks that could be designated as a dog park, with a fenced area to throw Frisbee or play ball with one's pet.

City Administrator Wayman replied that they have talked about a dog park, but the City has a limited amount of fields available for sporting events and that is what restrains them from dedicating an area. He noted that they have a de facto dog park right down the street, although they don't like to see people who let their dogs run free out there because there are kids nearby doing activities. He went on to say that the City doesn't have the real estate at present to dedicate to one, and things will get tighter once Lince is built out. He went on to say that Council would be seeing a proposal of ideas at the retreat for new ball fields off Rushmore Road and potentially more football fields, as they have had to turn away football the last couple years due to a lack of space.

Council Member Glaspie suggested Playland Park.

City Administrator Wayman responded that Playland Park is dedicated to people, and for dogs one would want a fenced area with a partitioned area for small dogs versus small dogs.

Council Member Glaspie wondered how heavily used the grassy area is.

City Administrator Wayman said that he doesn't have data on usage but it has been a park for people.

Council Member Tierney commented that they do Frisbee golf at Playland Park.

City Administrator Wayman agreed that it is a well-used park.

Council Member Glaspie stated that she hadn't seen a lot of use when she was down there.

Police Chief Hayes observed that it floods a lot there and fences would get wiped out.

Council Member Bell said that the SPRSA committee has moved ahead with the levy work to be done, such as plans to knock on doors, and that they are meeting every two weeks at Nana Kate's. He noted that anyone interested in helping out can attend, and that their next meeting is Monday after the regular SPRSA meeting. He asked Recreation Manager Morales if she needed help this weekend.

Recreation Manager Morales replied in the affirmative, there is a 10am meeting tomorrow at the Civic Center. She added that the car show is actually June 23, not the coming weekend.

Council Member Underwood had no report.

Council Member Carlson said that they had a Selah Downtown Association (SDA) meeting yesterday, with a lot of good folks working their tails off. He added that the SPRSA came to a meeting and presented the levy information, which was very well received. He finished by saying that the SDA has

been working on a map of downtown Selah and are in the final stages of having it ready to use for tourist purposes.

Council Member Bell thanked the Selah Downtown Association for their motion last night to approve a five hundred dollar brick purchase in support of the pool.

3. City Administrator

City Administrator Wayman reported on the success of their endeavors up at Lookout Point, saying that the installation of a gate up there has had a good impact on keeping out a lot of sightseers who were doing drugs and littering. He added that they now have a light up there at the intersection as well. He went on to say that the biggest issue has been getting those who live there to call the police, as they didn't want to be a burden, but unreported criminal activity can't be responded to or acted upon, and the more active people are in reporting suspicious activity the better it is. He stressed that calling 911 to report suspicious activity isn't a burden on the police officers.

4. Boards

a. Lodging Tax Advisory Committee Minutes for April 25, 2018

5. Mayor

Mayor Raymond reminded everyone that the centennial committee would be holding another meeting next Wednesday at 4pm in the conference room, saying that things are moving along. She mentioned the new sign at the Fire Station, courtesy of the high school, and reminded those in attendance that the next Council Meeting would be July 10 due to the AWC conference June 26 through 29 in Yakima.

Council took a five minute recess.

P. Executive Session

1. 30 Minute Session - Potential Litigation RCW 42.30.110 (1) (i) and Labor Negotiations RCW 42.30.140(4)(a) and (b)

Council went into Executive Session at 5:15m. At 5:47pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional 15 minutes.

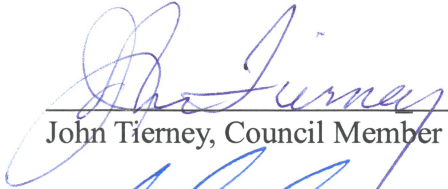
Council went back into Executive Session at 5:48pm. At 6:04pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional 5 minutes.

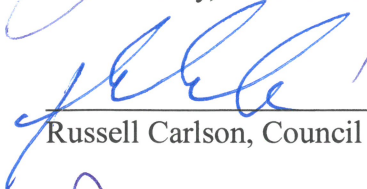
Council went back into Executive Session at 6:05pm. At 6:11pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Q. Adjournment

Council Member Tierney moved, and Council Member Carlson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 6:11pm.

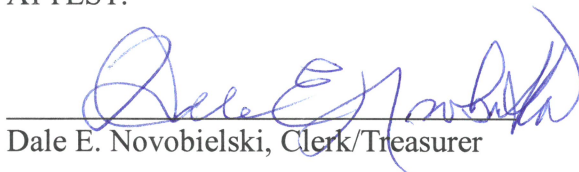

John Tierney, Council Member



Russell Carlson, Council Member


Jeremie Dufault, Council Member


Jacquie Matson, Council Member

ATTEST:


Dale E. Novobielski, Clerk/Treasurer


Sherry Raymond, Mayor


Roger Bell, Council Member


Diane Underwood, Council Member


Rachael Glaspie, Council Member

Agency filings affecting this section

WAC 246-260-131

Operation of water recreation facilities.

(1) **Operation plan.** Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing standard practices and developing a written operations manual addressing each of the following:

- (a) Physical pool facility components and signage;
- (b) Personnel;
- (c) Users and spectators, including pool rules;
- (d) Emergency response provisions;
- (e) Diving during supervised swimming instruction into water depths recognized as adequate by the organization certifying the activity, such as ARC; and
- (f) Environmental conditions.

(2) **Physical components.** Owners shall check each WRF's physical components routinely to ensure:

- (a) Barrier protection, emergency equipment and structural facilities are properly maintained.
- (b) Water does not pond on walking surfaces;
- (c) Common articles provided for patrons, such as towels, bathing suits, bathing caps, etc., are sanitized before reuse;
- (d) Sanitation items including toilet tissue, handwashing soap and single use towels or equivalent are maintained at facilities;
- (e) Treatment of the water recreation pool facility occurs continuously at turnover rates required by this chapter twenty-four hours a day during periods of use;
- (f) Swimming, spa, wading and spray pools shall be equipped with drain covers that are properly maintained, intact and secured to protect against entrapment.
- (g) Extra filter cartridge provided for each cartridge filter.

(3) **Food service.** If food service is provided and allowed, the owner shall:

- (a) Ensure food and beverage sale and consumption areas at general use pools are separated from pool and deck enclosure areas;
- (b) Prohibit food and beverage in pool water at limited use pools and maintain a minimum four-foot clear area between pool edge and any tables and chairs provided for food service;
- (c) Prohibit use of glass in pool facility and provide trash containers; and
- (d) Prohibit the sale or consumption of alcohol at general use pools.

(4) **Spa and recirculating spray pool reservoir cleaning.** Owners shall routinely drain, clean and refill spa and recirculation spray pools at a minimum frequency specified by the following formula.

Spa or spray pool reservoir volume in gallons/3/average number of users per day = Number of days between draining, cleaning and refilling.

(5) **Signage for user rules.**

(a) Owners shall provide and maintain signage specifying user rules and safety information required by this section in a conspicuous place in the pool area with easily readable lettering at least three-eighths of an inch high. All swimming, spa and wading pool facilities must have signs stating pool rules:

- (i) Prohibiting use by anyone running or participating in horseplay;
- (ii) Prohibiting use by anyone under the influence of alcohol or drugs;
- (iii) Prohibiting use by anyone with a communicable disease or anyone who has been ill with vomiting or diarrhea within the last two weeks;
- (iv) Prohibiting anyone from bringing food or drink into the pool water;
- (v) Requiring everyone to have a cleansing shower before entering the pool;
- (vi) Requiring anyone in diapers to wear protective covering to prevent contamination;
- (vii) Requiring diapers to be changed at designated diaper change areas;
- (viii) Warning patrons that anyone refusing to obey the pool rules is subject to removal from the premises;
- (ix) Directing patrons to the location of the nearest telephone and first-aid kit for emergency use;
- (x) Advising patrons that anyone with seizure, heart, or circulatory problems should swim with a buddy; and
- (xi) Where diving boards are used, provide signs for proper use.

(b) All swimming, spa, and wading pool facilities where lifeguards or attendants are not present shall have signs stating additional pool rules that:

- (i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older must accompany the child and be at the pool or pool deck at all times the child uses the facility; and
- (ii) If an individual between thirteen years of age and seventeen years of age is using the pool, at least one other person must be at the pool facility.

(c) All spa pool facilities must have signs stating additional pool rules:

- (i) Cautioning that children under the age of six should not use a spa pool;
- (ii) Cautioning that persons suffering from heart disease, diabetes, or high blood pressure should consult a physician before using a spa pool;
- (iii) Cautioning that women who are or might be pregnant seek physician's advice regarding using a spa pool;
- (iv) Cautioning everyone to limit the stay in the spa pool to fifteen minutes at any one session; and
- (v) Posting the maximum bather capacity of each spa pool.

(d) All spray pool facilities must have signs stating pool rules as specified in (a)(i), (ii), (iii), (iv), (v), (vi), and (viii) of this subsection.

(6) Required personnel.

(a) Owners shall ensure appropriate personnel specified in this subsection provide monitoring at pool facilities.

(b) General use swimming pool facilities shall have lifeguards present at all times pools are in use; except:

- (i) If swim or dive teams are facility users, the owner may allow substitution of a qualified coach properly credentialed by the sponsoring organization furnishing the swim or dive coach; and

(ii) Owners may substitute persons with Master Scuba Diver Trainer or Master Scuba Diver Instructor certification through PADI or SCUBA instructor, assistant instructor or divemaster through NAUI or other department-approved training in lieu of lifeguards for SCUBA training.

(iii) PADI or NAUI certified scuba instructing staff shall maintain the following conditions:

(A) Limit number of persons training to ten persons per instructor.

(B) Ensure all persons being instructed are monitored at all times while in the pool to ensure thirty-second response time can be provided.

(iv) Private club swimming pool facilities must have lifeguards present at all times persons sixteen years of age and younger are using the pool facilities, except:

(A) Attendants or shallow water lifeguards may supervise persons thirteen through sixteen years of age when these users are restricted to a pool depth less than or equal to five feet; and

(B) Attendants or shallow water lifeguards may supervise all persons sixteen years of age and under if the entire pool depth is less than four and one-half feet.

(c) If a spa or wading pool is in same enclosure as a swimming pool, all pools are subject to the most stringent monitoring personnel requirements applicable for any pool in the enclosure unless barriers that conform to WAC 246-260-031(4) restrict access between pools.

(d) The use of spas or wading pools not requiring lifeguards or attendants is subject to the following conditions:

(i) If the pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older must accompany the children and be at the pool or pool deck at all times the children use the facility;

(ii) If the pool is used by persons seventeen years of age or under, a minimum of two people must be at the pool facility at all times the pool is in use;

(iii) The owner shall post the requirements of this subsection to assure the responsible person is notified of conditions for use of the facility.

(e) Limited use pool facilities must have an equivalent or greater level of supervision as specified for private clubs in (b)(iv) of this subsection during any times when activities are provided that put the pools into the category of general use pools.

(f) At limited use pool facilities, if alcohol is sold within the pool facility, the owner must provide a lifeguard or attendant at the pool area.

(g) All pool facilities must have a water treatment operator.

(7) Personnel duties and equipment.

(a) Owners shall ensure personnel are present at each WRF who perform duties specified in this subsection.

(b) Lifeguards, shallow water lifeguards and swim coaches shall guard assigned pool users and provide a rescue response time of thirty seconds or less.

(c) Attendants, if provided at pools not requiring lifeguards, shall oversee pool use by the bathers and provide supervision and elementary rescues such as reaching assists to bathers in need. This does not mean the person is qualified or trained to make swimming rescues.

(d) Owners shall notify responsible persons on the conditions for facility use at pools not requiring lifeguards and for which no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users seventeen years of age or under including, but not limited to, a person:

(i) Renting an apartment, hotel, motel, RV camp, etc.; or

(ii) Who is an owner or member of a condominium, homeowner's association, fraternity, equity ownership facility, mobile home park, sorority, or private club with a pool facility.
(e) Water treatment operators shall assure the water treatment components of each WRF are functioning to protect health, safety and water quality.

(f) Owners shall ensure that lifeguards, shallow water lifeguards, swim coaches, and attendants:

- (i) Wear a distinguishing suit/uniform, or emblem; and
- (ii) Carry a whistle or equivalent signaling device.

(8) Personnel training.

(a) Owners shall ensure that pool personnel required by subsection (6) of this section have skills necessary for their duties, obtained by training and certification specified in Table 131.1 in Appendix B, or equivalent.

(b) Owners shall keep a copy at the WRF of each currently valid certification required for pool personnel.

(c) Owners shall ensure safety-monitoring personnel obtain continuing education needed to maintain lifeguarding skills and maintain valid certifications required by this subsection.

(d) If SCUBA or kayaking lessons are conducted at a pool, owners shall ensure that personnel monitoring these activities are trained to recognize special hazards associated with these activities.

(9) Emergency response plan.

(a) Owners shall prepare and implement emergency response plans specified in this subsection.

(b) In pool facilities where lifeguards, shallow water lifeguards, or swimming coaches are required by subsections (6) and (7) of this section:

- (i) Sufficient qualified personnel must be present and appropriately located to provide a rescue response time of thirty seconds or less for all pool users;
- (ii) The number and qualifications of personnel present must be based on factors dealing with pool depth, line of sight, bather load, potential emergency procedures, and personnel rotation;
- (iii) Emergency response drills must be held two or more times each year to test whether thirty-second response time can be met; and
- (iv) A record of each response drill must be kept at the WRF for three or more years.

(c) In pool facilities where lifeguards are not present, in accordance with subsection (6)(c) and (e) of this section, owners shall adopt rules, provide enforcement of conditions for pool use and notify users when first using facility and at least annually thereafter that conditions for use include:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older shall accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If anyone seventeen years of age or less is using the pool, a minimum of two people shall be at the pool facility.

(d) Emergency equipment specified in WAC 246-260-041, 246-260-051, and 246-260-071 must be readily available during WRF operating hours.

(e) In facilities where chlorine gas is used:

- (i) WRF personnel shall conduct annual emergency drills; and
- (ii) The plan shall identify the location of accessible chlorine cylinder repair kits.

(f) Operators shall ensure that lifeguards, shallow water lifeguards, and swim coaches receive ongoing training of emergency response skills.

(10) **Environmental conditions.** Owners shall monitor various environmental conditions affecting the facility or potentially affecting the health and safety of users. Owners shall close the WRF or take other appropriate action in response to adverse environmental factors, (e.g., electrical storms, fog, wind, and visibility problems) to ensure that the health and safety of users are protected.

(11) **Closure.** Owners shall close the facility when the facility presents an unhealthful, unsafe, or unsanitary condition. These conditions include lack of compliance with the water quality or an operation requirement in this section or in WAC 246-260-111.

[Statutory Authority: RCW 70.90.120. WSR 05-09-004, § 246-260-131, filed 4/7/05, effective 5/8/05.

Statutory Authority: Chapters 70.90 and 43.20 RCW. WSR 04-18-096, § 246-260-131, filed 9/1/04, effective 10/31/04.]